

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte JOSEPH R. BYRUM,
GREGORY R. HECK, and
THOMAS J. La ROSA

Appeal No. 2006-0055
Application No. 09/531,113

ON BRIEF

Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge, and
ADAMS, Administrative Patent Judge.

Per curiam.

On March 29, 2006, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

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AND INTERFERENCES

The application is being returned to the examiner for further action as may be appropriate.



Michael R. Fleming, Chief
Administrative Patent Judge



Gary V. Harkcom, Vice Chief
Administrative Patent Judge



Donald E. Adams
Administrative Patent Judge

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Monsanto Company
800 North Lindbergh Boulevard - E2NA
St. Louis, MO 63167

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